

REMARKS

This is a full and timely response to the outstanding final Office Action mailed April 26, 2004. There are no amendments in this response and claims 1-11, 13 and 17 remain pending in the present application. Claims 1-11, 13 and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,305,602 to Grabowski *et al.*, hereinafter referred to as *Grabowski*.

As set forth below, each of the rejections above are respectfully traversed. Accordingly, reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Response to Rejection of Claims 1-11, 13 and 17 Pursuant to 35 U.S.C. § 102(e)

A. Grabowski Fails to Disclose All the Elements of Claim 1, 13 and 17.

Claims 1, 13 and 17 presently stands rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Grabowski*. Applicants respectfully disagree and assert that the rejection is improper and should be withdrawn.

For a proper rejection of a claim under 35 U.S.C. § 102(e), the cited reference must disclose all elements, features and steps of the claim. See e.g., *E.I. du Pont Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430 (Fed. Cir. 1988) (emphasis added). Independent claim 1 recites:

1. A system to monitor the level of light in an area comprising:
 - at least one sensor that measures the level of light in a lighted area;
 - at least one transceiver that communicates information regarding the level of light in the lighted area, via a communications network, **the transceiver configured to repeat messages received from other transceivers associated with other sensors;**
 - a central system that communicates with the transceiver via the communications network; and
 - a network that allows access to the central system.

(Emphasis Added.)

Further, independent claim 13 recites:

13. A computer program for monitoring the level of light in an area, the computer program being embodied on a computer readable medium, the computer program comprising:
- a first logic, the first logic sensing the level of light in a lighted area;
 - a second logic, the second logic communicating the level of light in the lighted area, via a communications network, to a central system;
 - a third logic, the third logic accessing the central system via a network;
- and
- a fourth logic for receiving a message from a transceiver and **repeating the message.**

(Emphasis Added.)

Finally, independent claim 17 recites:

17. A system to monitor the level of light in an area comprising:
- a sensor that measures the level of light in an lighted area; and
 - a transceiver that communicates the level of light in the lighted area received from the sensor to a central system and **repeats messages received from other transceivers associated with other sensors.**

(Emphasis Added.)

Independent claims 1, 13 and 17 are allowable over *Grabowski* for at least the reason that *Grabowski* does not disclose, teach or suggest the features that are highlighted in claims 1, 13 and 17 above. More specifically, *Grabowski* does not disclose, teach or suggest a “transceiver configured to **repeat messages** from other transceivers **associated with other sensors**” as recited in independent claim 1. Similarly, *Grabowski* does not disclose, teach or suggest “**repeating the message**” from a transceiver as recited in independent claim 13. Finally, *Grabowski* does not disclose, teach or suggest a transceiver that “**repeats messages** received from other **transceivers associated with other sensors**” as recited in independent claim 17.

The Office Action asserts that “*Grabowski* teaches that the transceiver (30) is configured to repeat messages received from the other transceivers (54) associated with other sensors (40’s of 22, 24, 26) (30 receives messages from 22, 24, 26 and transmits them to 32, Fig. 1).” *Office Action*, p. 5. Specifically, *Grabowski* appears to teach a control unit that “is in operative connection with a communications device which enables the control unit to communicate with a monitoring unit.” *Column 5, lines 35-38*. Further, *Grabowski* also appears to teach that a control unit “transmitter may be used for sending instructions and information to the remote units....” *Column 9, lines 65-66*. *Grabowski* does not discuss the possibility of one control unit with its

group of associated sensors (and their respective transceivers) communicating with another control unit having its own group of associated sensors (and their respective transceivers).

Applicants respectfully submit that a control unit transmitting messages that it received from a transceiver associated with a group of sensors, to a monitoring unit, is not the same as repeating messages received from a transceiver associated with a group of sensors, to another transceiver associated with a different group of sensors, to yet another transceiver associated with a still different group of sensors, and finally to a central system (monitoring unit). For example, Figure 14 shows an embodiment that allows for “information that a sensor senses is transmitted from one lighted area to another lighted area until it reaches a lighted area with a phone interface that communicates the information to the central system....” *See page 30, lines 15-17.*

As discussed above, the present invention allows information to be “relayed from one transceiver to another until it is communicated to the central system.” *Page 31, lines 3-4.* Since *Grabowski* does not disclose, teach or suggest the ability for one control unit (transceiver) to relay information to another control unit until it is communicated to a monitoring unit (central system), it cannot anticipate claims 1, 13 and 17. For that reason, the rejection to claims 1, 13 and 17 should be withdrawn.

B. Claims 2-7, 9 and 10 are Allowable as a Matter of Law Because Each Depends from an Allowable Independent Claim.

Claims 2-7, 9 and 10 presently stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Grabowski*. Applicants respectfully submit that because independent claim 1 is allowable, as argued above, dependent claims 2-7, 9 and 10 are allowable as a matter of law for at least the reason that each claim contains all the elements, features and limitations of claim 1. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

C. Claim 8 is Allowable as a Matter of Law Because It Depends from an Allowable Independent Claim.

Claim 8 presently stands rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Grabowski*. Applicants respectfully submit that because independent claim 1 is allowable, as argued above, dependent claim 8 is allowable as a matter of law for at least the reason that it

contains all the elements, features and limitations of claim 1. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

In addition, *Grabowski* fails to disclose all elements, features and steps of claim 8. *See e.g., E.I. du Pont Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430 (Fed. Cir. 1988) (finding that for a proper rejection of a claim under 35 U.S.C. § 102, the cited reference must disclose all elements, features and steps of the claim). Dependent claim 8 recites:

8. The system of claim 7 wherein the **transceiver communicates information with a transceiver in another lighted area**, wherein the communication between the transceivers form an RF cloud.

(Emphasis Added.)

Dependent claim 8 is allowable over *Grabowski* for at least the reason that *Grabowski* does not disclose, teach or suggest the features that are highlighted in claim 8 above. More specifically, *Grabowski* does not disclose, teach or suggest that a transceiver (control unit) in one lighted area can communicate information with a transceiver (control unit) in **another lighted area**. As noted previously, *Grabowski* does not discuss the possibility of one control unit with its group of associated sensors (and their respective transceivers) communicating with another control unit having its own group of associated sensors (and their respective transceivers). Thus, if the control units do not communicate with each other and are in separate lighted areas, then *Grabowski* cannot anticipate claim 8. For that reason, the rejection to claim 8 should be withdrawn.

D. Claim 11 is Allowable as a Matter of Law Because It Depends from an Allowable Independent Claim.

Claim 11 presently stands rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Grabowski*. Applicants respectfully submit that because independent claim 1 is allowable, as argued above, dependent claim 11 is allowable as a matter of law for at least the reason that it contains all the elements, features and limitations of claim 1. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

In addition, *Grabowski* fails to disclose all elements, features and steps of claim 11. *See e.g., E.I. du Pont Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430 (Fed. Cir. 1988)

(finding that for a proper rejection of a claim under 35 U.S.C. § 102, the cited reference must disclose all elements, features and steps of the claim). Dependent claim 11 recites:

11. The system of claim 8, wherein the RF cloud forms a backbone that allows a transceiver **in a remote lighted area** to communicate with the central system via the communications network.

(Emphasis Added.)

Dependent claim 11 is allowable over *Grabowski* for at least the reason that *Grabowski* does not disclose, teach or suggest the features that are highlighted in claim 11 above. More specifically, *Grabowski* does not disclose, teach or suggest that a transceiver **in a remote lighted area** can communicate information to a central system (monitoring unit). As discussed above, *Grabowski* does not discuss the possibility of one control unit (transceiver) communicating with another control unit (transceiver). Thus, a control unit in a separate lighted area remote from the lighted area associated with the main control unit cannot communicate with the monitoring unit through an RF cloud and *Grabowski* cannot anticipate claim 11. For that reason, the rejection to claim 11 should be withdrawn.

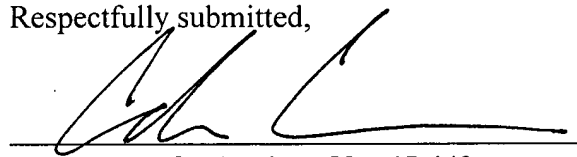
II. Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the reasons set forth above, Applicants respectfully submit that all rejections have been traversed or rendered moot, and that the now pending claims 1-11, 13 and 17 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'N. Andrew Crain', is written over a horizontal line.

N. Andrew Crain, Reg. No. 45,442

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500